



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Fifth and Final Account and Report of Conservator, (2) Petition for Allowance of Compensation to Conservator and Attorney, and (3) Distribution (Prob. C. 1860, 2620, 2623, 2630, 2631, 2942)

DOD: 08/14/10		PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 10/27/11</u>
		Accounting period: 10/27/09 – 08/14/10	
		Accounting - \$12,636.22	
		Beginning POH - \$3,416.22	
		Ending POH - \$4,831.00	
Cont. from 102711		Subsequent to the final account period: 08/15/10 – 09/15/11	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Accounting - \$5,067.72	
		Beginning POH - \$4,831.00	
		Ending POH - \$4,246.12	
✓	Aff.Mail	w/	
	Aff.Pub.	Conservator - \$646.20 (4.70 Deputy hours @ \$96/hr. and 5.00 staff hours @ \$76/hr. less \$185.00)	
	Sp.Ntc.	Attorney - \$1,500.00 (per Local Rule)	
	Pers.Serv.	Bond fee - \$37.50 (ok)	
	Conf. Screen	Petitioner requests that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
	Letters	Petitioner requests that non cash assets of the decedent (two burial plots and personal effects) be distributed to Donald Shumaker.	
	Duties/Supp	Petitioner prays for an Order:	
	Objections	1. Approving, allowing and settling the fifth and final account;	
	Video Receipt	2. Authorizing the conservator and attorney fees and commissions;	
	CI Report	3. Authorizing payment of the bond fee;	
	9202	4. Authorizing petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions; and	
✓	Order	5. Authorizing distribution of the balance of property on hand.	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: JF

Reviewed on: 12/01/11

Updates:

Recommendation:

File 1 - Shumaker

(1) Second Account Current and Report Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 69 years DOB: 5/31/1942		PUBLIC GUARDIAN , Conservator, is petitioner. Account period: 9/22/08 – 4/6/11 Accounting - \$440,374.61 Beginning POH - \$202,469.95 Ending POH - \$252,976.84 Conservator - \$16,049.20 (130.05 Deputy hours @ \$96/hr and 46.90 Staff hours @ \$76/hr) Attorney - \$2,500.00 (per Local Rule) Bond fee - \$861.63 (o.k.) Court fees - \$26.00 Petitioner prays for an Order: 1. Approving, allowing and settling the second account. 2. Authorizing the conservator and attorney fees and commissions 3. Payment of the bond fee	NEEDS/PROBLEMS/COMMENTS: 1. Conservatee moved from the Sand's Motel to a private home (Anjaleoni Enterprises) in 10/2009. Disbursement Schedule however shows rent paid for both the home (\$1,500.00) and the Sands Motel (680.00) for 10/2009. Need clarification. 2. Conservatee moved from the private home (Anjaleoni Enterprises) to a home purchased for her in Auberry on 2/10/10. Disbursement schedule however shows payments to Anjaleoni Enterprises home for both 2/2010 and 3/2010. Need clarification. 3. Disbursement schedule shows payments for lawn care (\$25.00) and plumbing repairs (\$463.22) while the conservatee was living in the Anjaleoni Enterprises home. Why is the conservatee paying the repairs in a rental home? 4. Disbursement schedule shows a rent deposit for the Anjaleoni Enterprises home of \$1,500.00. Disbursement schedule also shows repairs (\$2,889.17) and carpet cleaning (\$120.00) for the rental property. Was the deposit used to cover any part of the repairs or carpet cleaning? There is no record that the deposit was returned.	
Cont. from 110111				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: KT Reviewed on: 12/1/11 Updates: Recommendation: File 2A - Klein				

- 5. Disbursement schedule shows two shopping fees of \$260.00 each paid to Sundari Kendadur (of Anjaleoni Enterprises). Court may require clarification.**
- 6. Disbursement schedule shows disbursements for a “home helper” (operated by “Senior Helpers) throughout account period; however there are also disbursements for “private care” from Anjaleoni Enterprises for the months of November 2009, and December 2009 (totaling \$1,716.00 and \$1,584.00, respectively and at much higher rates than Senior Helpers) – need clarification.**
- 7. Disbursement schedule shows past due property taxes paid totaling \$578.69. Need clarification.**
- 8. Disbursement schedule shows transportations fees for Oct. 2009 (\$150.00), Nov. 2009 (\$225.00) and for Dec. 2009 (\$225.00). Need clarification.**

Atty Kruthers, Heather H (for Conservator Public Guardian)

Atty Wright, Janet L (Petitioner/court appointed attorney for Conservatee)

Petition for Attorney's Fees for Court Ordered Counsel for Conservatee [Prob. C. 1470(b)]

Age: 69 years DOB: 5/31/1942		JANET WRIGHT , petitioner was Court appointed to represent the Conservatee on 8/4/2009.	NEEDS/PROBLEMS/COMMENTS:
		PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 11/21/2006.	
Cont. from		Petitioner requests fees in connection with the representation of the Conservatee during this account period.	
	Aff.Sub.Wit.		
✓	Verified	Petitioner asks that she be paid from the conservatorship estate for 11.40 hours @ \$300.00 per hour attorney time and 16.60 hours @ \$120.00 per hour of legal assistant time for a total of \$4,206.00.	
	Inventory		
	PTC	Services are itemized by date and include review of documents, visits with client, and court appearances.	
	Not.Cred.		
✓	Notice of Hrg	Reviewed by: KT	
✓	Aff.Mail		
	Aff.Pub.	Reviewed on: 12/1/11	
	Sp.Ntc.	Updates:	
	Pers.Serv.	Recommendation:	
	Conf. Screen	File 2B - Klein	
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

2B

Atty's

Kruthers, Heather H. (for Petitioner Public Administrator, Administrator of the Estate)
 Harris, Richard (for Chet Leroy Wing, Jr., Joie Freed, and Shirley Gatlin, step-grandchildren)
 Helon, Marvin T. (for Jan Hugenhroth, Special Admin/Estate of David Billings, step-grandson)
 Hunt, Jeffrey A. (of Sacramento, for Steve Brashears and Deanna Grant, grandchildren)
 Smith, Frederick W., Jr. (of Oakdale, for Sandra Tucker, step-granddaughter)
 Jaech, Jeffrey A. (for Janene Marsella, step-great-granddaughter)
 Rountree, L. Clarke (for Amy Kovacevich, step-great-granddaughter)

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) Distribution (PC 9202, 10800, 10810, 10951, 11600, 11850)

DOD: 6/3/2007		PUBLIC ADMINISTRATOR , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 9/8/2011. Minute Order</u> states Mr. Markeson is appearing via conference call. Ms. Kruthers requests a 90-day continuance to file an amended accounting. Ms. Kruthers advises the Court that she will prepare an order for partial distribution and will email the proposed order to all counsel. <u>Note: Order After Hearing Authorizing Second Preliminary Distribution of Estate Assets was signed on 11/8/2011.</u> 1. Need amended accounting. Reviewed by: LEG Reviewed on: 12/2/11 Updates: Recommendation: File 3 – Brashears
		Account period: 1/29/2008 – 3/14/2011	
Cont. from 051111, 070711, 090811		Accounting - \$2,299,284.35	
Aff.Sub.W		Beginning POH - \$1,517,530.00	
✓	Verified	Ending POH - \$1,806,632.64 (\$284,102.64 is cash)	
✓	Inventory	Administrator - [\$34,480.27] (statutory)	
✓	PTC	Attorney - [\$34,480.27] (statutory)	
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/ Administrator XO - \$1,546.42 (per Local Rules, for sale of real property @ \$1,000.00; sale of personal property @ \$298.42 (10% of net sales of \$2,984.15); preparation of tax returns @ 1 Deputy hour/\$96 and 2 assistant hours/\$76 for total \$248.00;)	
	Aff.Pub.		
✓	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Costs - \$472.50 (filing fees, certified copies)	
	Letters	020408 Closing - \$2,000.00	
	Duties/S		
	Objections	Bond Fee - \$16,300.95 (ok)	
	Video Receipt	Distribution pursuant to allowed Creditor's Claims (Decedent's Will has been superseded by his previous distribution agreement) is to:	
	CI Report	<ul style="list-style-type: none"> SANDRA TUCKER – 25% of the estate consisting of tractor, real property and [\$48,705.56 cash]; JAN HUGENROTH as Special Administrator of the Estate of DAVID BILLINGS (11CEPR00053) – ½ of 25% of the estate consisting of tractor, real property and [\$24,352.78 cash]; DEANNA GRANT – ½ of 25% of the estate consisting of tractor, real property and [\$24,352.78 cash]; STEVE BRASHEARS, after payment to Attorney JEFFREY A. HUNT of \$21,250.00 per assignment filed on 5/7/2009 – ½ of 25% of the estate consisting of tractor, real property and [\$24,352.78 cash]; CHET LEROY WING, JR., – 1/3 of 25% of the estate consisting of tractor, real property and [\$16,235.19 cash]; SHIRLEY GATLIN – 1/3 of 25% of the estate consisting of tractor, real property and [\$16,235.19 cash]; JOIE FREED – 1/3 of 25% of the estate consisting of tractor, real property and [\$16,235.19 cash]; AMY KOVACEVICH – ½ of ½ of 25% of the estate consisting of tractor, real property and [\$12,176.39 cash]; JANENE MARSELLA – ½ of ½ of 25% of the estate consisting of tractor, real property and [\$12,176.39 cash]. 	
✓	9202		
	Order		
	Aff. Post		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notc	N/A	

Petition for Attorney's Fees for Court Ordered Counsel for Conservatee [Prob. C. 1470(b)]

Age: 88 years DOB: 10-6-22		JANET WRIGHT, Petitioner, was Court-appointed to represent the Conservatee on 4-9-10.	NEEDS/PROBLEMS/ COMMENTS:
		CRAIG MACGLASHAN, son, was appointed Conservator of the Person and Estate on 5-25-10 with medical consent and dementia medication and placement powers.	
Aff.Sub.Wit.			
✓ Verified		By Court order dated 12-16-10, Petitioner received fees for the period through 10-26-10. Since that date,	
Inventory		Petitioner has performed legal services relating to the sale of Conservatee's home, placement and relocation of	
PTC		Conservatee, review and response to Conservator's	
Not.Cred.		petition for summary judgment and accounting, review and response to Conservator's attorneys' fee application,	
✓ Notice of Hrg		attendance at multiple hearings, and meetings with	
✓ Aff.Mail	W	Conservator's attorneys regarding the accounting and fee matters.	
Aff.Pub.			
Sp.Ntc.		Petitioner asks that she be paid from the conservatorship estate for 21.65 Attorney hours @ \$300.00/hr and 8.2 Paralegal hours @ \$120.00/hr for a total of \$7,479.00 .	
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202		Declaration filed concurrently itemizes by category and date.	
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 12-1-11
			Updates:
			Recommendation:
			File 4 - McGlashan

Atty Motsenbocker, Gary L (for Antoinette Hernandez, Conservator)

Atty Wright, Janet L (for Margaret Archuleta, Conservatee – Petitioner)

Petition for Attorney's Fees for Court Ordered Counsel for Conservatee [Prob. C. 1470(b)]

Age: 84 years		JANET WRIGHT , Petitioner, was court-appointed to represent the Conservatee on 11/12/10.	NEEDS/PROBLEMS/COMMENTS:
DOB: 12/22/1926			
Cont. from		ANTOINETTE HERNANDEZ was appointed Conservator of the Person and Estate on 12/14/10.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC	Petitioner requests fees in connection with the representation of the Conservatee for the Conservatorship petition and preparation of the instant Petition.	
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.	Petitioner requests she be paid for the conservatorship estate, for 6.15 hours at \$300.00 per hour for a total of \$1,845.00 . (Petitioner states her usual rate is \$325.00 per hour, and that her legal assistant's time was not charge. Additionally, Petitioner did not charge for time spent coordinating with her staff or communicating with Attorney Motsenbocker regarding phone calls received from Conservatee's family and friends.)	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		Reviewed by: NRN
	Citation		Reviewed on: 12/1/11
	FTB Notice		Updates:
			Recommendation:
			File 5 - Archuleta

Atty Clark, William F (of Redondo Beach, for James Wilkinson, beneficiary – Petitioner)

Atty Knudson, David (for James Wilkinson – Petitioner)

Atty Simonian, Jeffrey (for Ross Wilkinson, Trustee)

Third Amended Petition for Account, Removal of Trustee, and Appointment of Successor

Age:		<p>JAMES R. WILKINSON, son and beneficiary of the WILLIAM and DORTHEA WILKINSON TRUST (“Trust”) is Petitioner.</p> <p>ROSS W. WILKINSON, son, is the current Trustee.</p> <p>Petitioner states that pursuant to the Trust’s 4th Amendment, which is a Survivor’s Trust, Trustee Ross Wilkinson (“Ross”) was to exercise powers in the Trust as a fiduciary and has no power to enlarge or shift any beneficial interest in the Trust (<i>copy of Trust attached to Petition</i>).</p> <p>Petitioner states Ross has breached PrC §§16000-16001(5) by converting Trust property for his own personal use and benefit. Specifically, Ross has absconded Trust property in a minimum amount of approximately \$98,686.75, and have wrongfully paid money to his wife Cindi from the Trust, in the approximate amount of \$39,457.75 (<i>copies of Bank of America check summaries from Trust assets for the years 2007 and 2008 attached to Petition</i>).</p> <p>Petitioner further states that on 3/26/07, Ross directed \$200,000.00 to be wire transferred from the Trust’s Wachovia stock account to Pacific Northwest Title Company. These funds were then used to purchase real property located in Monroe, Washington in the name of Ross and Cindi Wilkinson, and is not listed as Trust property (<i>copies of the Wachovia withdrawal attached to Petition</i>).</p> <p>Petitioner requests that Ross be relieved as Trustee to ensure that no other Trust assets are converted or misappropriated.</p> <p>Petitioner states that though the Trust provides for Petitioner to act as Trustee in Ross’ place, Petitioner lives in Florida and therefore it is not practical for him to act as Trustee; therefore, Petitioner requests that Bill Bickel be appointed. Mr. Bickel is willing to act as Trustee.</p> <p>There has been no agreement between the adult beneficiaries to enter into an agreement to provide for a successor trustee pursuant to PrC §15660(c).</p> <p>Petitioner requests: 1) Ross be removed as Trustee; 2) Bruce Bickel be appointed as Trustee; 3) that Ross be compelled to submit his report of information regarding the Trust assets of the Trust, A,B, and C, and submit an accounting of his acts as Trustee from 4/8/05 to the present; 4) that Ross be compelled to address the Trust breach by repaying all monies wrongfully absconded for his own personal benefit, payable back to the Trust; 5) that Ross pay for costs incurred herein and 6) for all other orders the Court deems proper.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 10/25/11. Minute Order states: mr. Clark is appearing via conference call. The Court directs Mr. Simonian to file an accounting for the period of 2/3/09 – 6/30/11 within two weeks, and file an accounting for the period of 4/8/05 – 2/3/09 by 12/2/11. The matter is continued to 12/8/11. The Court reserves the issues regarding the removal of the trustee and the appointment of a successor.</u></p> <p><u>As of 11/30/11, nothing further has been filed with the Court.</u></p>
DOD:			
Cont. from 102511			
	Aff.Sub.Wit.		
√	Verified		
	Inventory		
	PTC		
	Not.Cred.		
√	Notice of Hrg		
√	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

SEE ATTACHED PAGE

Reviewed by: NRN

Reviewed on: 11/30/11

Updates:

Recommendation:

File 7 - Wilkinson

Objections to Third Amended Petition, was filed 10/24/11 by Ross W. Wilkinson ("Respondent")

Petitioner states:

- As a result of Dorothea Wilkinson's (Dorothea) death on 1/19/97 (prior to William D. Wilkinson's ("William") death on 2/3/09, the Trust was divided into 3 separate sub-trusts, Trust A - Exemption Trust ("Trust A") Trust B-Q-Tip Trust ("Trust B") and Trust C - Survivor's Trust ("Trust C") – (these three Trusts also referred to collectively as the "Wilkinson Trusts");
- A Fourth Amendment to the Trust was executed by William 4/8/05, and was entitled *Fourth Amendment to Trust Agreement –Survivor's Trust for the William and Dorothea Wilkinson Trust* ("Fourth Amendment");
- From 1/9/97 through 2/3/09, William acted as sole Trustee of Trust A and Trust B;
- From 1/9/97 through 4/8/05, William acted as sole Trustee of Trust C;
- From 4/8/05 through 2/3/09, William and Ross acted as Co-Trustees of Trust C pursuant to the Fourth Amendment;
- Since 2/3/09, Ross has acted as the sole Trustee of all three Wilkinson Trusts;
- From 1/9/97 through the date of his death on 2/3/09, William was the sole beneficiary of the Wilkinson Trusts;
- The sole beneficiaries of the Wilkinson Trusts following William's death are Petitioner James and Respondent, Ross;
- Fresno County is the principal place of administration of the Wilkinson Trusts;
- The Wilkinson Trusts are not revocable;
- Trust A holds title to an undivided 65.29% interest in real property located at 7800 N. Van Ness Boulevard, in Fresno;
- Trust B holds title to an undivided 34.71% interest in that same real property (7800 N. Van Ness, Fresno);
- Trust C is of nominal value, having been substantially depleted and exhausted during William's lifetime.

Issue of Removal of Trustee/Reappointment of Successor Trustee

- Petitioner's *Third Amended Petition* raises the issue of the removal of the Trustee and reappointment of a successor trustee for the first time; this issue was not presented in the original *Petition for Account* filed 3/21/11, nor was it raised in the *Amended Petition for Account* filed 5/18/11. As such, *Notice of Hearing* is required pursuant to PrC §17203 and Rule 7.53(a) of the CRC, however, no such *Notice of Hearing* has been provided to or served on Respondent; and similarly, no *Notice of Hearing* has been provided to or served on other parties interested in these proceedings, and specifically including those parties named to act as successor Trustee under the Trust terms (PrC §17203(a)(1));
- Furthermore, the copy of the *Third Amended Petition* sent to Respondent's attorney did not have a verification attached as required under PrC §1021 and finally, the *Third Amended Petition* fails to list the names and last known addresses of all vested and contingent beneficiaries of the Wilkinson Trust as required under Rule 7.903 of the CRC;
- There has been no agreement between the adult beneficiaries of the Wilkinson Trusts to provide for a successor trustee, and signed declination to act as Trustee by Petitioner James has not been filed (James is named as successor trustee);
- Petitioner's interpretation of the Wilkinson Trusts concerning the removal of Respondent as Trustee and appointment of a successor trustee is incorrect. Pursuant to the Trust, Trusts A and B are irrevocable upon formation and therefore matters regarding the removal of the Trustee and appointment of successor Trustee are controlled by the Trust as executed by Dorothea and William on 4/9/92; said Trust specifically names Jane Morton as successor Trustee of Trusts A and B and if unable, unwilling or fails to serve, Union Bank is specifically named;

CONT'D:

- Respondent therefore objects to the appointment of Bruce Bickel as successor trustee for Trusts A and B as he is not named in the trust instrument and as neither Jane Morton nor Union Bank have been provided notice of these proceedings and as neither has declined to accept their appointment;
- Respondent further objects to the appointment of Bruce Bickel as the *Third Amended Petition* fails to disclose his fee schedule for fiduciary services, the manner in which his compensation is determined, and it is unknown whether Mr. Bickel will charge an hourly rate or a percentage fee for his services;
- With respect to Trust C (a revocable Trust), the Trust provides that William had the right, during his life, to modify, amend, or revoke the provision of Trust C; William in fact exercised that right on 4/8/05 with the Fourth Amendment;
- Pursuant to that Amendment, Respondent Ross has the sole power to designate a successor Trustee of Trust C, without Court approval; Respondent has not declined to exercise this power, and reserves this right in the event he (Respondent) is removed as Trustee; furthermore, Petitioner has made no attempt to reach an agreement with Respondent to appoint a successor Trustee;
- If Ross is removed as Trustee of Trust C and is either not entitled to designate a successor trustee for Trust C or if he declines to do so, appointment of successor trustee should be consistent with the settlors' wishes as expressed in the Trust with respect to Trusts A and B –to wit, Jane Morton and Union Bank, after having been provided notice of these proceedings – as well as for the reason of convenience of administration since Trust C is of nominal value.

Allegations regarding Respondent's violation of his Fiduciary Duties as Trustee

- Respondent confirms Petitioner's allegation that \$200,000.00 was wired from Wachovia Securities on 3/26/07, in the name of the Trust to Pacific Northwest Title Company;
- Said funds were used to purchase real property in Washington State and title is held by Respondent;
- Acquisition of the property was part of a tax-free exchange by Respondent that involved the sale of another piece of real property;
- Said action however was taken with the knowledge and consent of William, Co-Trustee of Trust B and sole beneficiary of Trust B;
- The transfer of these funds was intended as a short-term unsecured loan to Respondent until the tax-free exchange involving Respondent was completed;
- In fact, the *Third Amended Petition* fails to disclose that on 7/2/07, \$160,000.00 was wire transferred at Respondent's direction to the Wachovia Securities account in the name of Trust B, in partial payment of the unsecured loan, and received by Respondent at the completion of the tax free exchange (copy of said \$160,000.00 transfer from Respondent to Wachovia attached to *Objections* as Exh. A);
- Respondent attaches to his *Objections* (as Exh. B) a list of disbursements totaling \$44,252.91 made from the Wilkinson Trusts and/or assets the source of which can be traced to the assets of the Wilkinson Trusts during the time period in question, and acknowledged by Respondent to be to and/or for Respondent or Respondent's spouse's benefit;
- However, all other amounts distributed to Respondent or his spouse during William's life from the Wilkinson Trusts (and set forth in Exhibits B and C to Petitioner's *Third Amended Petition*) were used primarily for the care and benefit of William and /or for maintenance of the Trust assets during William's life and in accordance with the terms and provisions of the Wilkinson Trusts;

SEE ATTACHED PAGE

CONT'D:

- These disbursements as identified in Petitioner's Exhibits B and C indicate they were payments to "Emily Alonzo" or are designated in the notes as "Emily" – were, in fact, used to provide for William's care in accordance with the Wilkinson Trusts;
- Amounts distributed to Respondent or to his spouse during William's lifetime from the Trusts or from assets traceable to the Trusts equaled or did not exceed those distributions from the Trusts made to Petitioner James;
- Respondent attaches to his *Objections* (as Exh. C) a list of disbursements made to James from 4/8/05 (when Respondent was appointed Co-Trustee) through to William's death on 2/3/09; these disbursements total \$156,238.74 (this is not a complete list, however Respondent is in the process of completing a trust accounting for that stated time period as ordered by this Court);
- Additionally, Respondent is currently preparing a trust accounting for the period 2/3/09 – 6/30/11; Respondent believes said accounting can be completed within the next two weeks for Petitioner's review and filing with the Court;
- Respondent is entitled to reasonable compensation for his services as Trustee and as Co-Trustee during the period 4/8/05 to the present and has not received any compensation to date for his fiduciary services;
- To the extent the trust accounting shows disbursements for Respondent's benefit exceeding disbursements to Petitioner James, such amount can be offset against the reasonable compensation to which Respondent is entitled;
- Since William's death, Respondent has performed his fiduciary duties as required by law, including making regular disbursements of trust income and principal to the trust beneficiaries in accordance with the Wilkinson Trusts; as stated the primary asset of the Wilkinson Trusts is real property on Van Ness Boulevard in Fresno, which Respondent has listed for sale;
- To date, only one offer has been received at substantially less than the asking price;
- Removal of Respondent as Trustee is neither warranted nor necessary to protect the Trust or the beneficiaries, and appointment of a professional fiduciary will only serve to increase Trust expenses;
- If the Court orders Respondent to repay any monies disbursed to Respondent for his benefit (or his spouse's), Petitioner should similarly be ordered to repay all monies disbursed to Petitioner for his benefit.

Respondent prays:

1. All of relief prayed for by Petitioner James excluding Respondent's obligation to provide an accounting for Trust activities on or after 4/8/05 be denied and the *Third Amended Petition* be dismissed;
2. Petitioner be ordered to provide proper notice of the date and time for hearings of these proceedings to all Trust beneficiaries and all other interested parties including, parties named under the Trust to act as successor Trustee of Trusts A and B;
3. Petitioner be ordered to amend his *Third Amended Petition* to comply with the applicable Rules of Court;
4. Petitioner be ordered to pay all costs incurred herein by Respondent, including Respondent's attorney's fees, or alternatively, that Respondent be entitled to reimbursement from Trust assets for said costs.

Petition for Attorney's Fees for Court Ordered Counsel for Conservatee [Prob. C. 1470(b)]

Age: 92 years DOB: 10/12/1919		JANET WRIGHT , petitioner was Court appointed to represent the Conservatee on 9/1/11.	NEEDS/PROBLEMS/COMMENTS:
		DONALD J. BRYANT was appointed Conservator of the Person and Estate on 9/13/11.	
Cont. from		Petitioner requests fees in connection with the representation of the Conservatee for Donald J. Bryant's petition to appoint a conservator.	
	Aff.Sub.Wit.		
✓	Verified	Petitioner asks that she be paid from the conservatorship estate for 4.15 hours @ \$300.00 per hour attorney time and 1 hour @ \$120.00 per hour legal assistant time for a total of \$1,365.00.	
	Inventory		
	PTC	Services are itemized by date and include review of documents, visits with client, and court appearances.	
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
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			Reviewed by: KT
			Reviewed on: 12/1/11
			Updates:
			Recommendation:
			File 9 - Bryant

**Petition for Order Establishing Special Needs Trust [Prob. C. 3600-3613;
Cal Rules of Cr 7.903 (c)]**

Age: 20		JESUS SOTO , a conserved adult, by his Conservator, CLARA SOTO , is Petitioner. Mr. Soto is disabled and receives needs-based public benefits including SSI and Medi-Cal. He lives with his parents and his mother, Clara Soto, is his Conservator. Mr. Soto will receive approx. \$36,996.25 from a personal injury settlement. Outright distribution of the settlement would eliminate Mr. Soto's eligibility for SSI and Medi-Cal. Therefore, Petitioner seeks to establish a "safe harbor" or Special Needs Trust under Probate Code §3602- 3613, and an order that Petitioner, through his guardian ad litem Clara Soto, is authorized to sign the proposed Special Needs Trust as grantor.	NEEDS/PROBLEMS/COMMENTS: Continued from 9-29-11, 10-27-11. As of 11-30-11, nothing further has been filed (since 8-19-11). The following issues remain: 1. Petitioner requests appointment without bond or bond in the amount of \$40,000.00. If bond is waived, the court may require deposit to a blocked account. If required, Examiner calculates that bond, including cost of recovery per Probate Code §2320(c)(4), should be \$41,916.75. 2. The Trust allows distributions in the Trustee's "sole and absolute discretion." The Court may require clarification between <i>disbursements</i> for special needs, which may be made in the Trustee's good faith discretion without court approval, and <i>distributions</i>, which may require court approval. (This language would ensure that certain items purchased, such as equipment or a vehicle, would be assets of the trust, rather than "distributions.") 3. Petitioner requests accountings be required every two years after the first account; however, the Court may require language per Probate Code §2620(a): "unless otherwise ordered by the Court to be more frequent." 4. Need revised order per #2 above and Local Rule 7.6.1. (The trust document should be attached and the signature line should appear last.)
DOB: 4-8-1991			
Cont. from 092911, 102711			
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Petitioner prays for the following findings and order:

1. That all notices have been given as required by law;
2. That the Court establish the Special Needs Trust, the Petitioner is directed to execute it, and the court has continuing jurisdiction over the Special Needs Trust;
3. That Clara Soto shall serve as initial Trustee without bond, or bond of \$40,000.00;
4. That Petitioner has a disability that substantially impairs his ability to provide for his own care or custody, and constitutes a substantial handicap;
5. That Petitioner is likely to have special needs that will not be met without the trust;
6. That money paid to the trust does not exceed the amount that appears reasonably necessary to meet Petitioner's special needs;
7. That payment of all monies due plaintiff in the lawsuit referenced above shall be paid to the Trustee of the Special Needs Trust after payment of the personal injury Medi-Cal lien;
8. That any proceeds of the settlement received by plaintiff's attorney before the hearing of this petition and deposited into attorney's attorney/client trust account shall not be considered received by Jesus Soto for public benefit eligibility purposes;
9. That the assets of the trust are unavailable to the beneficiary and shall not constitute a resource for eligibility purposes for Medi-Cal, SSI, regional center assistance, or any other program of public benefits;
10. That the Trustee provided the Court with a biennial account and report beginning one year after the date the Court approves the establishment of the trust and every two years thereafter; and
11. Such other and further orders as the Court may deem just and proper.

Reviewed by: skc

Reviewed on: 11-30-11

Updates:

Recommendation:

File 10 - Soto

DOD: 10/21/09	<p>JUDITH BARR was appointed Administrator on 2/22/10.</p> <p>Inventories and appraisals total \$353,3330.71</p> <p>First Account and Petition for Preliminary Distribution was filed on 9/8/11.</p> <p>Minute Order dated 9/8/11 set this status hearing for the filing of the Petition for Final Distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Petition for final distribution or current status report.</p>
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		Reviewed by: KT
		Reviewed on: 12/1/11
		Updates:
		Recommendation:
		File 11 - Ferreira

Order to Show Cause Re: Visitation

Age: 16 years	<p>DAVID THACKER, father, petitioned the court for visitation and the matter was heard on 6/28/11.</p> <p>DONALD VAN VRAKEN and KATHRYN VAN VRAKEN, maternal grandfather and maternal step-grandfather were appointed guardians on 4/7/10.</p> <p>Mother: Traci Karastathis</p> <p>In his Petition for Visitation Mr. Thacker stated he became involved in drugs and was sent to prison for 9 years. He had been out of his daughter's life for a long time and that he did his time; cleaned up and is ready to become part of his daughter's life. He understood he would encounter resistance on the part of the grandparents and was willing to start a little at a time. Petitioner stated he would take any visits he was granted until he was able to gain the guardian's trust. Petitioner stated he had been paroled to Woodland, California for the next three years and that he would work with his parole officer so that he could visit his daughter once per month.</p> <p>At the hearing the Petition for Visitation on 6/28/11 the court directed that letter writing and telephone conversations take place every two weeks between father, David Thacker and Brittany. The court directed the father to begin the letter communications. Mr. Van Vracken was ordered to provide Mr. Thacker his telephone number. The matter was continued to 10/27/11.</p> <p>At the hearing on 10/27/11 the court set the matter for an Order to Show Cause re: Visitation. The Court ordered Donald Van Vracken and Kathryn Van Vracken to be present on 12/8/11. The Court further ordered Brittany Thacker to be brought to court with the guardians on 12/8/11.</p> <p>After the matter was called and Mr. Thacker exited the courtroom, Brittany Thacker appeared and addressed the court, at which time the Court directed Brittany to return to court on 12/8/11.</p> <p>A copy of the Minute Order was mailed to Donald Van Vracken, Kathryn Van Vracken, David Thacker and Deloise Tritt on 10/28/11.</p>	NEEDS/PROBLEMS/ COMMENTS:
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Reviewed by: KT

Reviewed on: 12/1/11

Updates:

Recommendation:

File 12 - Thacker

DOD: 12/20/05		<p>STEVE GARCIA, son, is petitioner.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>I & A - NEED</p> <p>Petitioner requests Decedent's 50% interest in real property pass to decedent's four children, Richard Garcia, Steve Garcia, Virginia Lazalde and Victoria Garcia in equal shares pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See related case on page 14 of this calendar.</p> <p>Continued from 10/27/11. As of 12/1/11 the following issues remain:</p> <p>NEED AMENDED PETITION BASED ON THE FOLLOWING:</p> <ol style="list-style-type: none"> 1. Petition requests court determination that decedent's interest in real property passes to his four children. Probate Code §13151 requires that all successors in interest to the property join in the petition. Therefore need amended petition including all those who succeed to the property. 2. Need inventory and appraisal. 3. Need name and date of death of decedent's spouse. Local Rule 7.1.1D. 4. #9a(3) of the petition was not answered re: issue of predeceased child. 5. Petition was filed using a fee waiver. When the amended petition is filed all who join in the petition must qualify individually for a fee waiver.
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Reviewed by: KT
Reviewed on: 12/1/11
Updates:
Recommendation:
File 13 – Garcia

DOD: 5/4/05		STEVE GARCIA , son, is petitioner. 40 days since DOD. No other proceedings. Decedent died intestate. I & A - NEED Petitioner requests Decedent's 50% interest in real property pass to decedent's four children, Richard Garcia, Steve Garcia, Virginia Lazalde and Victoria Garcia in equal shares pursuant to intestate succession.	NEEDS/PROBLEMS/COMMENTS: Continued from 10/27/11. As of 12/1/11 the following issues remain: NEED AMENDED PETITION BASED ON THE FOLLOWING: 6. Petition requests court determination that decedent's interest in real property passes to his four children. Probate Code §13151 requires that all successors in interest to the property join in the petition. Therefore need amended petition including all those who succeed to the property. 7. Need inventory and appraisal. 8. Need name and date of death of decedent's spouse. Local Rule 7.1.1D. (It appears from the death certificate attached to the petition that decedent was survived by his spouse Jessie Garcia, decedent on page 18 of this calendar. If that is true then Jessie's estate would be entitled to all or a portion of this estate.) 9. #9a(3) of the petition was not answered re: issue of predeceased child. 10. Petition was filed using a fee waiver. When the amended petition is filed all who join in the petition must qualify individually for a fee waiver.
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Reviewed by: KT Reviewed on: 12/1/11 Updates: Recommendation: File 14 – Garcia			